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Atty. Docket No. BO42358

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Willem Frederik VAN EELEN et al. Confirmation No. 4846

Serial No. 09/581,912 BOX PCT

Filed January 12, 2001 Attn: PCT Legal Office

INDUSTRIAL PRODUCTION OF MEAT  
OUTSIDE THE BODY (IN VITRO)

PETITION UNDER 37 CFR §1.47(a)

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

It is respectfully requested that the present application be accepted under the provisions of 37 CFR §1.47(a), even though the second and fourth-listed inventors, namely Willem Jan VAN KOOTEN and Christine Lindsay MUMMERY, have refused to sign the application papers.

This petition is the necessary reply required under 37 CFR §1.37(b)(1) and is being filed as an attachment to the accompanying Petition to Revive on the grounds of intentional delay.

There was previously submitted on January 12, 2001 a Combined Declaration and Power of Attorney executed by only two of the four inventors.

In support of this petition under 37 CFR §1.47(a), there is submitted herewith:

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A declaration from Ms. Patricia Ringeling, the European patent attorney, having knowledge of the facts surrounding the refusal of both Mr. VAN KOOTEN and Dr. MUMMERY's refusal to sign the application papers. Ms. Ringeling's declaration is accompanied by Annexes I, Ia, II, IIa, III, IIIa, IV, IVa, V and Va.

In her declaration, Ms. Ringeling declares that on May 27, 2002, a letter was sent by registered mail, return receipt requested to both of the non-signing inventors, at each of their respective last known address, as is evidenced by Annex I and II, and English translations thereof Annexes Ia and IIa. Each of the letters included a complete copy of the International application, and requested the respective co-inventor to execute the application papers, and return the same within 21 days. A copy of each registered receipt is enclosed. The last known address of each of the non-signing inventors is as follows: Mr. Willem Jan VAN KOOTEN, Alexanderdreef 2, 1213 XS Hilversum, The Netherlands, and Dr. Christine Lindsay MUMMERY, Hasebroeklaan 43, 3723 DJ Bilthoven, The Netherlands.

On May 31, 2002, Ms. Ringeling received a letter from Mr. Verhagen, who is Mr. VAN KOOTEN's lawyer, acknowledging the receipt of the May 27 letter, and requesting further details on the consequences of the case.

On June 4, 2002, Ms. Ringeling replied to Mr. Verhagen indicating that there was no guarantee that executing the

application papers would not lead to any financial obligation by Mr. VAN KOOTEN.

On June 7, 2002, Ms. Ringeling declared that she telephoned Dr. MUMMERY, the other non-signing inventor, who also acknowledged receipt of the May 27 letter, but indicated that she would refuse to sign the application papers, since she was not on speaking terms with the first-listed inventor. Dr. MUMMERY indicated that she would confirm all of this in writing, but to date, no such communication has been received by Ms. Ringeling.

On June 17, 2002, Mr. VAN KOOTEN's attorney indicated that Mr. VAN KOOTEN was not going to sign the application papers, since there was no guarantee that execution of the same would not lead to any financial obligations.

As is indicated in the penultimate paragraph of Ms. Ringeling's declaration, it is clear that to date, both non-signing inventors refuse to execute the application papers.

In view of the above facts, and the accompanying documents, it is respectfully requested that the above-identified application be revived on the grounds of unintentional delay, and further be accepted under the provisions of 37 CFR §1.47(a), even though two out of the four named inventors have refused to sign.

VAN EELEN et al. S.N. 09/581,912

The Commissioner is hereby authorized to charge the requisite 37 CFR §1.17(h) petition fee of \$130 to counsel's Deposit Account No. 25-0120.

Respectfully submitted,

YOUNG & THOMPSON

By



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